

**DECLARATION OF EDWARD FLOSI**

I, Edward T. Flosi, declare as follows:

1. I am not a party in the above-entitled action.

4       2. I have personal knowledge of the facts set forth herein, and if called  
5 upon as a witness to testify thereto, I could competently and truthfully do so.

6 3. I make this declaration in support of Defendants' Motion for Summary  
7 Judgment, or in the alternative partial summary judgment.

8       4. I am a career law enforcement professional with over 27 years of  
9 fulltime experience in law enforcement. I have a Bachelor of Science in Criminal  
10 Justice Administration with a major in Law Enforcement from San Jose State  
11 University and a Master of Science (with Honors) in Emergency Services  
12 Administration. I've earned an Associates in Science (Business/Accounting) from  
13 De Anza College in Cupertino, CA in December 1982.

14        5. I was a Reserve Officer with the San Jose Police from September 1983  
15 through December 1984. I was a San Jose Police Officer from December 1984  
16 through September 2001. I was a Sergeant with the San Jose Police from September  
17 2001 through December 2011. As a Sergeant, I was the Training Unit Supervisor  
18 from March 2009 through December 2011. I was a Reserve Deputy Sheriff with the  
19 San Benito County Sheriff's Office from December 2014 through March 2016.

20        6. I obtained my Basic Certificate from the California Commission on  
21 Peace Officers Standards and Training in December 1985, my Intermediate  
22 Certificate in January 1988, my Advanced Certificate in December 1990 and my  
23 Supervisory Certificate in September 2004. In September 2009 I obtained a Clear  
24 Designated Subjects Adult Education Teaching Credential for Law Enforcement  
25 Occupations from the California Commission on Teacher Credentialing.

26 7. From September 2001 through 2014, I was a Law Enforcement  
27 Instructor at South Bay Regional Public Safety Training Consortium. I was a Law  
28 Enforcement Trainer/Consultant from April 2010 through February 2012 at

1 Martinelli and Associates. I was an Adjunct Instructor in the Administration of  
2 Justice Department at West Valley College, Saratoga, CA from April 2010 through  
3 April 2018. I was a Consultant of Training and Customer Development from  
4 September 2012 through December 2012 at ShotSpotter, Inc. I was the Director of  
5 Training at ShotSpotter, Inc. from January 2013 through July 2019. From February  
6 2012 through the present I have been the Principal Instructor/CEO at PROELIA  
7 Defense and Arrest Tactics. I have been the President of Justitia Consulting from  
8 July 2018 through the present. I have also been an adjunct professor at Fullerton  
9 College in the Administration of Justice Department from August 2019 to present.

10 8. I provided instruction for law enforcement personnel on a variety of  
11 topics, including Raid Planning and Entry, Hostage/Barricade Situations, Arrest  
12 Control and Defensive Tactics, Use of Force-Cognitive, Use of Force-  
13 Constitutional Based Training (Non-Continuum), Use of Force Documentation,  
14 Ethics in the Criminal Justice System and PC 832 California POST Academy-  
15 Entire Course. From 1988 through 2004, I was a Guest Lecturer at De Anza  
16 College. My teaching experiences includes, but is not limited to: From 1992-1993, I  
17 was on the San Jose Police Department Team Training. In 1999, I was a contracted  
18 instructor for M.L. Eslinger & Assoc. From 2000-2001 I was a Lead instructor in  
19 the Force Operations Simulator Program in the San Jose Police Department Training  
20 Unit. I taught Emergency Vehicle Operations from 2000 through 2009. From 2001  
21 through 2009, I taught Use of Force Documentation and Alternative Car Stop  
22 Tactics in the San Jose Police Department Training Program. From 2004-2005, I  
23 taught Use of Force (cognitive) at the South Bay Regional Public Safety Training  
24 Consortium, and also from 2005 through 2011 in the San Jose Police Academy. I  
25 taught Force Documentation in the San Jose Police Supervisor Course from 2005  
26 through 2007. I also taught Defensive Tactics at the San Jose Police Academy from  
27 2005-2008 and 2010-2012. From 2007-2019 I taught Excited Delirium  
28 Response/Persons in Crisis at the Sa Jose Police CIT Academy. From 2010 through

1 2018, I taught at West Valley College. From 2017 through the present, I was a Law  
2 Enforcement Training Instructor/Consultant in the Division of Criminal Justice  
3 Services in New York State.

4 9. I reviewed the following materials in preparing my opinions:

5 a. The Los Angeles Sheriff's Department's Policies and Procedures.

6 b. Plaintiff's Complaint for Damages; Plaintiff's document  
7 production 00002-00085.

8 c. Los Angeles County Sheriff's Department Homicide Bureau  
9 Report 023-04539-2927-013; Los Angeles County Sheriff's Department  
10 Supplemental Reports; Los Angeles County Sheriff's Department Use of Force  
11 Policy.

12 d. Audio interviews and transcribed interviews of seven sheriff  
13 deputies.

14 e. Eight separate body worn camera footage of the incident.

15 f. California POST Basic Academy Workbook Learning Domain 3  
16 - Principled Policing in the Community; California POST Basic Academy  
17 Workbook Learning Domain 15 – Laws of Arrest; California POST Basic Academy  
18 Workbook Learning Domain 16 – Search and Seizure; California POST Basic  
19 Academy Workbook Learning Domain 20 - Use of Force/De-escalation; California  
20 POST Basic Academy Workbook Learning Domain 21 - Patrol Techniques;  
21 California POST Basic Academy Workbook Learning Domain 23 – Crimes in  
22 progress; California POST Basic Academy Workbook Learning Domain 33 - Arrest  
23 and Control; California POST Basic Academy Workbook Learning Domain 34 –  
24 First Aid, CPR, and AED; California POST Basic Academy Workbook Learning  
25 Domain 35 – Firearms/Chemical Agents; California POST Basic Academy  
26 Workbook Learning Domain 37 – People with Disabilities; California POST Basic  
27 Academy Workbook Learning Domain 39 – Crimes Against the Justice System;  
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1 California POST Basic Academy Workbook Learning Domain 40 – Weapons  
2 Violations; California Peace Officer's Legal Sourcebook.

3 10. A short synopsis of the incident is as follows:

4 a. On June 19, 2023, the Los Angeles County Sheriff's Department  
5 ("LASD") received a call for service to respond to 2962 Crooked Creek Drive,  
6 Diamond Bar regarding a man with gun call. The call was updated that the male  
7 (later identified as Benjamin Chin) was walking on Crooked Creek Drive toward  
8 Diamond Bar Boulevard with an assault rifle. The call stated the male was wearing  
9 body armor and had fired multiple rounds from his firearm.

10 b. Officers responded with lights and sirens (Code-3) to a call  
11 regarding a man armed with an AR-15 style rifle walking around the Diamond Bar  
12 Boulevard area.

13 c. When officers arrived at the scene, there was a civilian in a  
14 Tesla, who was in the direct path of the Decedent heading northbound. Behind  
15 Deputy Barajas were additional deputies, preventing her from moving her vehicle to  
16 create more distance between herself and the Decedent.

17 d. The Decedent continued to move northbound towards deputies  
18 and civilians with his hands on his AR-15. Believing that the Decedent was an  
19 imminent dangerous threat to civilians, deputies and herself, Deputy Barajas exited  
20 her vehicle and drew her firearm. She used the driver-side door as cover and stated  
21 over her radio that she was detaining the suspect. Deputy Barajas then ordered the  
22 Decedent to drop his weapon approximately seven (7) times. The Decedent ignored  
23 Deputy Barajas' commands and continued moving northbound, progressing to  
24 within approximately 7 – 10 feet of Deputy Barajas and the civilian in the Tesla.

25 e. Deputy Barajas then fired her first shot from her service handgun  
26 at the Decedent, which appeared to have no effect on the Decedent. Less-lethal  
27 ammunition was not an option because the Decedent posed an immediate lethal

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1 threat due to his proximity to the civilian, and his bullet-proof vest would have  
2 rendered less-lethal ammunition ineffective.

3 f. After her first shot, Deputy Barajas reassessed the situation and  
4 determined the Decedent was still an imminent lethal threat because he continued to  
5 advance with his rifle. Moreover, the Decedent's bullet-proof vest prevented  
6 Deputy Barajas from determining whether her first shot struck and injured the  
7 Decedent. Deputy Barajas then commanded the Decedent to drop his rifle an eighth  
8 (8) time as he continued his approach. She then ordered the Decedent to drop his  
9 weapon a ninth (9) time and began ordering him to drop it a tenth (10) time, but her  
10 order was interrupted by Detective Vazquez's first shot.

11 g. The Decedent remained standing and capable of firing his rifle  
12 slung around his shoulder, indicating to Deputy Barajas that he still remained a  
13 dangerous lethal threat to civilians and deputies. While the Decedent continued  
14 approaching, Deputy Barajas fired two additional shots at the Decedent. The  
15 Decedent still remained standing with his rifle. Detective Vazquez then fired the  
16 final shot, after which the Decedent is finally immobilized and drops to the ground  
17 with his rifle.

18 h. The Defendant Deputies fulfilled their duty of summoning  
19 prompt medical care as soon as reasonably possible. Once it was reasonably safe to  
20 approach the Decedent, deputies began rendering aid less than three minutes after  
21 the final shot was discharged. Moreover, the fire department arrived and began  
22 assisting with the Decedent's aid approximately four minutes and thirty seconds  
23 after the final shot was discharged. Paramedics placed him on a gurney and began  
24 transporting him to an ambulance less than thirteen minutes after the final shot. It is  
25 clear that the Defendant Deputies rendered aid in a reasonable and swift manner  
26 once the Decedent was determined to no longer be a threat.

27 11. **Opinion #1: The LASD deputies had a legitimate law enforcement**  
28 **purpose and reasonable suspicion – based on current law enforcement training**

1 **– to contact and detain Decedent. The deputies' actions were consistent with**  
2 **current law enforcement training and practices.**

3 12. In this incident, a reasonable officer could conclude that the subject  
4 described in the call for service was involved or preparing to become involved in  
5 criminal activity (e.g. unlawful/negligent discharge of a firearm, assault with a  
6 deadly weapon.) Therefore, LASD deputies had a legitimate law enforcement  
7 purpose and reasonable suspicion to contact and detain Decedent. The deputies'  
8 actions were consistent with current law enforcement training and practices.

9 13. **Opinion #2: The LASD deputies had a legitimate law enforcement**  
10 **purpose and probable cause – based on current law enforcement training – to**  
11 **arrest Decedent. The deputies' actions were consistent with current law**  
12 **enforcement training and practices.**

13 14. In this incident, Decedent was verbally and visually contacted by  
14 uniformed deputies that were driving a marked LASD vehicle on Crooked Creek  
15 and prior to walking onto Diamond Bar Blvd. The deputies gave commands to  
16 Decedent to drop the gun in order to de-escalate the situation. Decedent failed to  
17 comply with the commands and continued to walk away from the deputies efforts to  
18 detain Decedent.

19 15. **Opinion #3: The LASD deputies' pre-force tactics were consistent**  
20 **with current law enforcement training and practices considering the totality of**  
21 **facts and circumstances known/perceived by them at the time.**

22 16. There was a need to act quickly if LASD deputies were going to be  
23 able to contain Decedent based on Decedent's actions and behaviors. There was not  
24 enough time to stage and have a tactical huddle if they wanted to be able to detain  
25 Decedent.

26 17. Allowing too much distance between Decedent and LASD deputies  
27 would have given Decedent an opportunity to flee which would have thwarted the  
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1 ability to further investigate the incident. Indeed, officers are trained to optimize  
2 distance depending on the facts and circumstances at the time.

3 18. De-escalation is a goal. There is no one correct way to the end goal of  
4 de-escalation. There are no known phrases or techniques that force a subject to de-  
5 escalate their actions and behaviors. It is known that for de-escalation tactics to be  
6 effective, both parties must be willing and able to participate in the process.

7 19. In this incident, the situation was primarily being driven by the actions  
8 and behaviors of Decedent and LASD deputies were reacting to such actions and  
9 behaviors. LASD deputies' attempts to control and de-escalate the situation were not  
10 successful as Decedent appeared unwilling to participate in the de-escalation process  
11 and maintained his resistant and eventually aggressive posture.

12 20. There is no evidence in the record to show that another type of de-  
13 escalation tactic would have caused a change in Decedent's behavior or willingness  
14 to participate in the de-escalation process or would have eventually complied with  
15 the officers' verbal directions.

16 21. **Opinion #4: The deadly force responses by Detective Vasquez and**  
17 **Deputy Barajas were appropriate and reasonable to prevent a perceived**  
18 **imminent and credible threat of serious bodily injury or death. The deadly**  
19 **force responses were appropriate and consistent with the current law**  
20 **enforcement training standards in consideration of the "totality of**  
21 **circumstances" presented to Detective Vasquez and Deputy Barajas at the**  
22 **moments force was used.**

23 22. Police officers are trained that they are permitted to use reasonable  
24 force to effect an arrest, prevent the escape or to overcome the resistance of a  
25 suspect.

26 23. Police officers are trained that they may use deadly force under certain  
27 circumstances.

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1       24. Peace officers are only justified in using deadly force upon another  
2 person if and only if the officer reasonably believes, based on the totality of the  
3 circumstances that such force is necessary to defend against an imminent threat of  
4 death or serious bodily injury to the officer or to another person.

5       25. Decedent displayed no indications of surrender or compliance with the  
6 commands of the deputies to drop the rifle.

7       26. A reasonable officer could conclude that there would be no legitimate  
8 reason for Decedent to continue walking forward towards others when holding the  
9 grip of the rifle near the trigger guard other than to get closer to available targets  
10 and/or compromise the cover of Deputy Barajas.

11       27. Decedent created the life-threatening situation and forced deputies to  
12 react quickly and decisively.

13       28. Deadly force responses by the deputies were appropriate and  
14 reasonable to prevent a perceive credible threat of injury created by Decedent's  
15 actions and behaviors.

16       29. The deadly force responses by Detective Vasquez and Deputy Barajas  
17 were appropriate and consistent with current law enforcement training standards in  
18 consideration of the totality of the circumstances presented to them at the moments  
19 non-deadly force was used.

20       30. **Opinion # 5: There is no independent and objective evidence to**  
21 **support a claim that the LASD deputies denied Decedent of medical care.**

22       31. Video evidence reveals that LASD deputies promptly provided medical  
23 care to Decedent.

24       32. Video footage shows: the last shot was at approximately 11:45:15. The  
25 approach to Decedent began at approximately 11:47:07. Contact with Decedent was  
26 at approximately 11:47:07. Decedent was handcuffed at approximately 11:47:40. A  
27 deputy confirmed that the fire department personnel was responding at 11:47:58.  
28 The Decedent was unhandcuffed and deputies began to render medical aid at

1 approximately 11:48.16. The fire department personnel were on scene at  
2 approximately 11:48.42.

3       33. Video footage show that after being shot, Decedent fell next to the rifle.  
4 There would be a legitimate tactical need to get a shield and contact team formed  
5 with non-deadly and deadly force options prior to moving to where Decedent fell. It  
6 is also noted that there was information that Decedent had stabbed another person  
7 and the edged weapon was currently unaccounted for.

8       34. **Opinion # 6: There is no objective and independent evidence in the**  
9 **record that the LASD failed to adequately train the involved deputies.**

10       35. Each officer involved in this incident completed a POST Basic  
11 Academy. In this academy, the officers receive statewide approved standardized  
12 training on several learning domains and are tested to determine competence.

13       36. There is no objective and independent evidence in the record that the  
14 LASD failed to adequately train the involved deputies.

15       37. **Opinion # 7: There is no objective and independent evidence that**  
16 **the LASD maintains unconstitutional customs, practices, and/or policies.**

17       38. I reviewed LASD Use of Force Policy Section 3-10/000.000 – 3-  
18 10/140.00.

19       39. There is no objective and independent evidence that the LASD  
20 maintains unconstitutional customs, practices, and/or policies.

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22       I declare under penalty of perjury under the laws of the State of California  
23 that the foregoing is true and correct.

24       Executed on September 29, 2025, at Fullerton, California.

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26         
27       Edward T. Flosi  
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